



## Western Sahara

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Morocco claims the Western Sahara territory and administers Moroccan law and regulation in approximately 85 percent of the territory that it controls; however, sovereignty remains disputed between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking a U.N.-supervised referendum on self-determination for the territory. The Moroccan Government sent troops and settlers into the northern two-thirds of the territory after Spain withdrew in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973, the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975, the International Court of Justice advised that while some of the territory's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the territory and Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the de-colonization of the territory, and, in particular, the principle of self-determination for its persons. Sahrawis (as the persons native to the territory are called) lived in the area controlled by Morocco, lived as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed sand wall divided most of the territory between Moroccan and Polisario-controlled sections.

In 1988, Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved, and a referendum has not yet taken place. In 1997, U.N. Secretary General Kofi Annan appointed James Baker as his personal envoy to examine approaches for a peaceful settlement.

During the following years, Baker visited the territory, consulted with the parties, and offered proposals to resolve the problem. In January 2003, he presented a peace plan that called for a 4 to 5 year period of limited autonomy for an interim administration composed of elected members of a Western Sahara Authority, to be followed by a referendum to determine the status of the territory. Morocco ultimately rejected the plan, while the Polisario accepted it. Subsequently, an adjusted text to the Baker Plan added an additional ballot option in the referendum to include self-government or autonomy, in addition to the two previous options of independence or integration into Morocco. In July 2003, the Security Council called on the parties to work towards its acceptance and implementation. Morocco voiced objections to that resolution, while the Polisario expressed support.

Baker resigned his post in June. Following his resignation, the U.N. Secretary General designated Alvaro De Soto as his Special Representative for the Western Sahara.

On October 28, the Security Council voted to extend the MINURSO mandate until April 30, 2005 to give the parties more time to work out their differences.

A sizeable Moroccan economic program subsidized migration and development as part of its efforts to strengthen Moroccan claims to the territory. In October, the Moroccan Government unveiled a new five-year \$800 million development program for all of its "southern provinces," which included the territory. The population of the territory was an estimated 267,000. Incomes, fuel, power, water, and basic food commodities were also subsidized.

The civilian population living in the territory under Moroccan administration was subject to Moroccan law. Political rights for the residents remained circumscribed, and citizens did not have the right to change their government. U.N. observers and foreign human rights groups maintained that the Moroccan Government monitored the political views of Sahrawis more closely than those of other groups, particularly those suspected of supporting independence and the Polisario.

Since 1977, the Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan Government. In the 2002 parliamentary elections, Sahrawis whose political views were aligned with the Moroccan Government filled all the seats allotted to the territory. In September 2003, municipal elections were held. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to Moroccan government statistics, the national turnout was 54 percent, including 68 percent in the territory.

As in past years, there were no new reports of politically motivated disappearances in the territory under Moroccan administration. The forced disappearance of individuals who opposed the Government and its policies occurred over several decades; however, in 1997, the Government pledged that such activities would not recur, and pledged to disclose as much information as possible on past cases. Authorities stated that they released information on all 112 confirmed cases of disappearance. However, human rights groups and families have continued to claim hundreds more cases, many from the territory. International human rights organizations continued to estimate that there had been between 1,000 and 1,500 disappearances of Sahrawis in the territory, although conditions in the territory prevented confirmation of this figure.

Those who disappeared were Sahrawis or Moroccans who challenged the Government's claim to the territory or other government policies. Many of those who disappeared reportedly were held in secret detention camps. At year's end, Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago.

Through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government in 2000 began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, as in previous years, many still viewed the CCDH process as biased, slow, and flawed administratively.

In January, the Equity and Reconciliation Commission (IER) continued the work started by the CCDH, to settle serious violations of human rights. The IER was tasked with making reparations for families of disappeared persons and other victims, restoring the dignity of victims, providing for their rehabilitation and medical care, and providing a thorough accounting of the events which led to human rights abuses and of the circumstances of the crimes themselves. The IER was composed of appointed members, most of whom were human rights activists including Commission President Driss Benzekri, a former political prisoner. The IER had an extended mandate until March 30, 2005 due to the larger than expected number of petitions. By August, the IER reported having received almost 20,000 complaints, a number of them having to do with the territory. Throughout the year, investigative teams from the IER visited the territory on several extended occasions, in which interviewers and researchers looked into complaints, medical personnel treated former detainees, and IER staff prepared for public hearings of the abuses.

The public hearings began on December 21 in Morocco. Under agreement with the IER, participants did not disclose the names of persons they considered responsible for violations. Around 200 victims, families of victims, and witnesses of violations were scheduled to participate in future hearings, throughout the country, over a period of 10 weeks. The IER was expected to present a final report in April 2005 discussing the reasons and institutional responsibilities for grave violations prior to 1999.

The 1998 U.N. settlement plan called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the voter identification process was completed. In 1999, MINURSO completed the voter identification process. According to Polisario claims, the Government continued to withhold information on 150 Polisario missing combatants and supporters, whom the Polisario listed by name. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. The International Committee of the Red Cross (ICRC) continued to investigate such claims by the Polisario. In a few cases, the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania. The ICRC presented this information, along with documentation to the Polisario.

Prisoners held by the Polisario continued to be among the worlds' longest held POWs. In recent years, the Polisario began to release Moroccan POWs in small groups. The Polisario released 200 Moroccan POWs during the year. By year's end, the Polisario still held 412 POWs, many of whom had been prisoners for close to 20 years.

There continued to be credible reports from international organizations, Moroccan nongovernmental organizations (NGOs), and from the released POWs themselves that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse and forced labor.

The number of persons in the refugee camps was in dispute. During the year, the Government claimed that the Polisario detained 45,000 to 50,000 Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario claimed that refugee numbers were much higher, but denied that any refugees were held against their will. The U.N. High Commissioner for Refugees (UNHCR) and the World Food Program appealed to donors for food aid, and distributed food aid to a population of approximately 155,000 in the refugee camps during the

year.

On August 30, the UNHCR completed a 6-month program of confidence building measures, highlighted by family visits that brought 1,200 persons to meet with long-separated relatives for 5 days. Most participants were Sahrawi refugees from the refugee camps in Algeria visiting relatives in the Moroccan-controlled territory. Approximately, 19,000 Sahrawis registered to participate in the program, and 1,476 persons were transported for visits. After a hiatus to secure additional funding and work out program modalities, the program resumed in November until the end of the year. The confidence building measures also include telephone exchanges between relatives in the territory and refugee camps in Algeria.

On January 7, King Mohammed VI pardoned 33 political prisoners, including the following: Salek Bazid, a member of the Moroccan human rights NGO Forum for Truth and Justice (FVJ), who was originally sentenced to 10 years in prison for participating in violent conflicts with police in Smara in November 2001 and according to Amnesty International (AI), his conviction was based solely on confessions that he later withdrew in court alleging that they were extracted under duress; Dkhil Moussaoui, another FVJ member, had been sentenced to 1 year in prison for participating in a demonstration that burned down a police station; Ahmed Nassiri, a member of the FVJ, had been serving a sentence of 18 months for instigating violence in Smara in 2001; and Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and a former FVJ member.

The Government restricted freedoms of expression, assembly, and association. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs.

The Polisario reportedly restricted freedoms of expression, assembly, association, and movement in its camps near Tindouf.

Due to continuing Moroccan control of the territory, the laws and restrictions regarding religious organizations and religious freedom were the same as those found in Morocco.

Movement was restricted in areas regarded as militarily sensitive, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning.

Sahrawis continued to have difficulty obtaining Moroccan passports. However, the Government issued activist Ali Salem Tamek a passport and allowed him to travel abroad. The Moroccan Government prevented Sahrawi nationalists, released from prison in Morocco, to live in the disputed territory.

Women were subjected to various forms of legal and cultural discrimination.

Morocco adopted a new law in May that imposes stiff fines and prison terms against those, including government officials, involved in or failing to prevent penalties on trafficking in persons. The territory was a transit region for traffickers of persons.

There was little organized labor activity. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the territory. In June, a new Moroccan code of labor became effective. Moroccan unions were present in the areas controlled by Morocco, but were not active. The Polisario-sponsored labor union, Sario Federation of Labor, also was not active since 15 percent of the Polisario-controlled territory did not contain major population centers or economic activity, apart from nomadic herding.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan Government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the territory. Workers were exempt from income and value-added taxes.

Moroccan law prohibited forced or bonded labor, including by children, and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor was not a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10 hour day, 44 hour week maximum stipulated in the Moroccan code of labor. Occupational health and safety standards were the same as those enforced in Morocco, and were rudimentary, except for a prohibition on the employment of women in dangerous occupations.